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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,745	03/13/2001	Daniel Cohn	M19-106	3998

7590 11/15/2006
Coleman Sudol Sapone PC
714 Colorado Avenue
Bridgeport, CT 06605-1601

EXAMINER

WEBMAN, EDWARD J

ART UNIT PAPER NUMBER

1616

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,745

Applicant(s)

COHN ET AL.

Examiner

Edward J. Webman

Art Unit

1616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6,7 and 89-93 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7, 89-93 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-7, 89-93 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohn et al (US 4,826,945) in view of Newkirk et al (US 4,094,797) and Sakai et al.

Cohn et al '945 teach multiblock polymers comprising diblocks of poly(hydroxycarboxylic acid) and poly(oxyalkylene) ethers (see abstract, with a or b equal to zero). Lactic acid is disclosed (column 4 line 66). However, the reference does not teach endcaps.

Newkirk et al teach the endcapping of polyoxyalkylene compounds with an aliphatic monocarboxylic acid (abstract). Improved resistance to oxidation is disclosed (column 2 lines 40-44). C1-24 monocarboxylic acids are specified (column 3 lines 39-40).

Sakai et al teach polyether-polyester block copolymers (abstract). Addition of trifunctional compounds to achieve crosslinking is disclosed (column 3 lines 3-11).

It would have been obvious to one of ordinary skill to endcap the terminal polyoxylalkylene block of the polymers of Cohn et al '945 to achieve the beneficial effect of improved resistance to oxidation in view of Newkirk et al. It would be further obvious to add trifunctional compounds to achieve crosslinking in view of Sakai et al.

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Applicants argue that Cohn et al '945 teach triblocks rather than diblocks. However, as stated above, the reference teaches diblocks. See, in comparison, Cohn et al '958, which does teach triblocks.

Applicants argue that Cohn et al '945 teaches triblocks rather than diblocks, pointing to column 5 lines 3-40. Cohn et al '945 discloses a one step synthesis, in which there is a first stage wherein an ABA triblock polymer is formed, followed by a second stage reaction forming what is characterized as an $(AB)_x$ multiblock polymer, wherein A is a poly alpha hydroxy carboxylic acid block and B being a polyethylene glycol block. The A block can comprise two oppositely oriented poly alpha hydroxy carboxylic acid sub-blocks or one or the other of these sub-blocks, as indicated by the formula in column 5 line 35 wherein both a and b are nonzero, or one or a or b is zero. The first type of polymer with an A block containing both sub-blocks may be characterized as a triblock polymer and the latter two polymers, each containing one of the oppositely oriented sub-blocks may be characterized as diblock polymers, considering the oppositely oriented subblocks. On the other hand, ignoring the differing orientation of the subblocks, both composed of the same alpha hydroxy carboxylic acid monomers, the first type of polymer may be considered a diblock as well, hence the Cohn et al '945 characterization of the polymer as an $(AB)_x$ multiblock. Applicants' claim 1 includes all three different types of $(AB)_x$ multiblock polymers, contrary to applicants' contention, because the claim as written includes oppositely oriented poly hydroxy carboxylic acid subblocks. Applicants also argue that Cohn et al '945 teach high rather than low molecular weight polymers, pointing to rigid structures such as pins and screws. However, the fact that the primary reference teaches wound and burn covering articles (column 4 line 5) belies such an argument.

No claims allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward J. Webman whose telephone number is 571-272-0633. The examiner can normally be reached on M-F from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. Richter, can be reached on 571-272-0646. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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